

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

King Co., Inc.

Plaintiff,

v.

Dean O. King

Defendant.

Case No. 24-cv-

Hon.

Lower Court Case Number
2024-7981-CB

Carl J. Gabrielse (P67512)
GABRIELSE LAW, PLC
Attorney for Plaintiff
240 E.8th Street
Holland, MI 49423
616-403-0374
carl@gabrielselaw.com

D. Andrew Portinga (P55804)
Jacob L. Carlton (P84859)
MILLER JOHNSON
Attorneys for Defendant
45 Ottawa Ave. SW, Ste. 1100
Grand Rapids, MI 49501-0306
(616) 831-1700
portingaa@millerjohnson.com
carltonj@millerjohnson.com

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, *et seq.*, Defendant Dean O. King removes this action from state court to this Court and respectfully states as follows:

1. On October 11, 2024, Plaintiff sued Mr. Dean O. King in the Ottawa County Circuit Court, in a case entitled *King Co., Inc. v. Dean O. King*, Case No. 2024-7981-CB, where the case was assigned to Hon. Jon A. Van Allsburg. Mr. King was served a copy of the complaint on November 1. A copy of the Summons and Complaint is attached as **Exhibit 1**. This notice is being filed within 30 days after receipt by defendants, through service or otherwise, of a copy of the initial pleadings setting forth a claim for relief.

2. Pursuant to 28 U.S.C. §§ 1332, 1441(b), and 1446(c) removal is proper because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.

3. Plaintiff, King Co., Inc., is a Michigan corporation with its principal place of business in Holland Michigan. Accordingly, for the purposes of diversity jurisdiction, Plaintiff is a Michigan citizen.

4. Defendant, Dean O. King, is domiciled in Florida for the purposes of diversity jurisdiction. Specifically:

- a. Mr. King's driver's license is issued by the state of Florida.
- b. Mr. King votes in Florida.
- c. Mr. King owns real property and a residence in Florida.
- d. Mr. King operates businesses in Florida.
- e. Mr. King has a Florida attorney.

5. Accordingly, because Plaintiff is a Michigan resident and Defendant is a Florida resident, there is complete diversity jurisdiction between the parties.

6. The Complaint alleges breach of contract and seeks both damages and equitable relief. The damages sought, and the value of the equitable relief, exceed \$75,000.

7. Specifically, the complaint alleges that Non-Party Viking Marine Construction purchased equipment in the amount of \$1.1 million dollars through funds obtained in violation of the contract. (Exhibit 1, ¶ 11).

8. Plaintiff also served its initial disclosures. (Exhibit 2). The initial disclosures claims that plaintiff "will be able to demonstrate that it lost approximately \$4 million in dredging contracts as a result of Defendant's breach of the non-compete provision of the Settlement Agreement." (Exhibit 2, ¶6.a) The initial disclosures also claim \$1.2 million in damages for an alleged violation of the non-solicitation agreement. (Exhibit 2, ¶6.b).

9. The Complaint also seeks equitable relief in the form of an injunction against the Defendant. (Exhibit A, ¶ 23.b).

10. Accordingly, the total value of the relief sought in the complaint exceeds \$75,000, and diversity jurisdiction is proper pursuant to 28 U.S.C. 1332.

11. Because this civil action is one which the district courts of the United States have original jurisdiction, it may be removed to this Court under 28 U.S.C. § 1441.

12. Contemporaneous with this Notice, Mr. Dean O. King is filing a Notice of Filing Notice of Removal with the Ottawa County Circuit Court.

WHEREFORE, Mr. Dean O. King removes the above-referenced action to this Court.

MILLER JOHNSON
Attorneys for Defendant

Dated: November 18, 2024

By /s/ Jacob L. Carlton
MILLER JOHNSON
D. Andrew Portinga (P55804)
Jacob L. Carlton (P84859)
Business Address:
45 Ottawa Ave. SW, Ste. 1100
PO Box 306
Grand Rapids, MI 49501-0306
Telephone: (616) 831-1700
portingaa@millerjohnson.com
carltonj@millerjohnson.com

Certificate of Service

Jacob L. Carlton certifies that, on November 18, 2024, a *Notice of Filing Notice of Removal* was filed with the Ottawa County Circuit Court and was served upon Plaintiff's counsel via first class mail and email. Additionally, this *Notice of Removal* was also served on Plaintiff's counsel via first class mail and email.

MILLER JOHNSON
Attorneys for Defendant

Dated: November 18, 2024

By /s/ Jacob L. Carlton
MILLER JOHNSON
D. Andrew Portinga (P55804)
Jacob L. Carlton (P84859)
Business Address:
45 Ottawa Ave. SW, Ste. 1100
PO Box 306
Grand Rapids, MI 49501-0306
Telephone: (616) 831-1700
portingaa@millerjohnson.com
carltonj@millerjohnson.com